DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

#19

AUG 24 1993

Re: Claritin®
Docket No. 93E-0213

The Honorable Bruce Lehman
Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Commissioner Lehman:

This is in regard to the application for patent term extension for U.S. Patent No. 4,282,233, filed by Schering Corporation under 35 U.S.C. § 156 et seq. We have reviewed the dates contained in the application and have determined the regulatory review period for Claritin®, the human drug product claimed by the patent.

The total length of the review period for Claritin® is 3,751 days. Of this time, 1,395 days occurred during the testing phase and 2,356 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under subsection 505(i) of the Federal Food, Drug, and Cosmetic Act involving this drug product became effective: January 6, 1983

   FDA has verified the applicant's claim that the date the investigational new drug application (IND) became effective was January 6, 1983.

2. The date the application was initially submitted with respect to the human drug product under subsection 505(b) of the Federal Food, Drug, and Cosmetic Act: October 31, 1986.

   FDA has verified the applicant's claim that the new drug application (NDA 19-658) was initially submitted on October 31, 1986.

3. The date the application was approved: April 12, 1993.

   FDA has verified the applicant's claim that NDA 19-658 was approved on April 12, 1993.

This determination of the regulatory review period by FDA does not take into account the effective date of the patent, nor does

it exclude one-half of the testing phase as required by 35 U.S.C. § 156(c)(2).

Please let me know if we can be of further assistance.

Sincerely yours,

Stuart L. Nightingale, M.D.
Associate Commissioner
for Health Affairs

cc: Thomas D. Hoffman
Schering-Plough Corporation
Patent Department, 3-West
One Giralda Farms
Madison, New Jersey 07940-1000